

EXHIBIT B

1 cages that would cause the manure to drop on hens below it,
2 correct?

3 A. Yes.

4 Q. And these cages could be in existence for up to 30 years,
5 correct?

6 A. Yes. The life of the cage.

7 Q. Life of a cage. So despite the age of the cage, even
8 today under the animal welfare guidelines, producers could
9 still be using A frame cages that allow feces to be dropped on
10 hens below the cage, feces to be dropped from the above cage
11 to hens on the lower cage, correct?

12 A. That's what it says.

13 Q. Now, Mr. Collins took you through some of the backfilling
14 issues. And when the backfilling ban entered into the
15 guidelines in 2006. Do you recall that?

16 A. Yes, I do.

17 Q. And you'll recall in the provision that producers are only
18 able to backfill if there is a catastrophic incident like a
19 tornado. That's when they can backfill, correct?

20 A. Or disease, yes.

21 Q. So if the hens are wiped out in a facility, then you can
22 backfill, correct?

23 A. Yes.

24 Q. But you can't backfill to the capacity that you had before
25 that incident occurred, could you?

1 BY MR. FOX:

2 Q. Can you think of any reason why the animal welfare
3 committee would have passed this as an option if they were
4 concerned about animal welfare?

03:00:02

5 A. I wasn't on the committee. I don't -- I wasn't in on the
6 conversation.

7 Q. Did you ever talk to Steve Storm about it?

8 A. No, sir, I did not.

9 Q. And Mr. Collins took you through --

03:00:19

10 MR. FOX: We can take this document down, thank you.

11 BY MR. FOX:

12 Q. Mr. Collins took you through the 2010 guidelines. And you
13 testified that it now had a minimum space requirement starting
14 in 2010, correct?

03:00:30

15 A. Correct.

16 Q. But for any cages that had been built prior to that time,
17 there was still the house average rule, correct?

18 A. Yes. It was a transition, yes.

03:00:44

19 Q. And the transition again could have been for another 30
20 years that the house average rule for those cages would still
21 be in effect, correct?

22 A. Correct.

23 Q. So even today under the house average rule, if there is a
24 cage built 20 years ago, let's say, producers could still be
03:01:02 25 housing hens in less than the minimum standards, correct?

1 A. Yes.

2 MR. COLLINS: Judge, can I object to -- may I be
3 heard briefly.

4 THE COURT: Okay. Let's have a sidebar.

03:01:15 5 Folks, standing rules apply. You can take this
6 opportunity to stretch your legs.

7 (Proceedings at sidebar on the record)

8 MR. COLLINS: Your Honor, two objections. One, after
9 getting the restriction about things coming up to today,
03:01:36 10 Mr. Fox on multiple occasions has elicited information about
11 even until today.

12 THE COURT: Yes, I saw that too. The last question
13 said so even today, so that surprised me. I wasn't going to
14 call attention to it. But Mr. Fox.

03:01:48 15 MR. FOX: Yes, Your Honor. My point was just that
16 this was, it could be in place for 30 years. You're right, I
17 misspoke, I should not have said even until today. But it
18 still is a relevant point.

19 THE COURT: You are basically saying back then plus
03:02:03 20 30 years.

21 MR. FOX: That's what I meant.

22 THE COURT: Okay. You did that, I caught that
23 earlier, and understood what you meant then. You are saying
24 even if something had been adopted 20 years ago, that would
03:02:13 25 still be in effect today because it lasts for 30 years?